

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 3232 OF 2020
IN
FIRST APPEAL STAMP NO. 17360 OF 2019**

Bhagwat Girdhar Chaudhari (Died) Lrs.

1a. Vatsalabai Bhagwat Chaudhari and others ... Applicants

Versus

The State of Maharashtra and others ... Respondents

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Mr. A. B. Kale, Advocate for applicants,

Mr. S. N. Morampalle, AGP for respondent Nos. 1 and 2

Ms Madhaveswari S. Mhase, Advocate for respondent No.3

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CORAM : R. G. AVACHAT, J.

DATED : 08th OCTOBER, 2021

PER COURT :-

. Heard.

2. This application has been moved for withdrawal of the amount deposited by appellant – acquiring body. The objection for withdrawal is that the original applicant Bhagwat had died just two years before the award was passed. According to the learned Advocate, the proceedings therefore stood abated in its entirety or at least against deceased Bhagwat.

3. Learned Advocate for the appellant – acquiring body, tenders across the bar additional grounds in appeal.

4. It is to be noted that Bhagwat along with his two other brothers had preferred the Reference for enhancement of compensation. It appears that the Reference was not preferred in their individual capacity, but as members of the joint family. In view of this Court the impugned award may not be a nullity against Bhagwat. It is not in dispute that the applicants herein are the legal representatives of deceased Bhagwat. They are, therefore, permitted to withdraw 50% of the amount in deposit with this Court on furnishing solvent security/surety or bank guarantee.

5. The civil application is disposed of.

[R. G. AVACHAT, J.]